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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**ROBERT MCCARTHY, An Individual,**

**Plaintiff,**

**V.**

**EMERYVILLE HOTEL DEVELOPMENT  
VENTURE, L.P., d.b.a. FOUR POINTS  
HOTEL BY SHERATON SAN FRANCISCO  
BAY BRIDGE a.k.a. THE FOUR POINTS BY  
SHERATON EMERYVILLE;  
EMERYVILLE HOTEL DEVELOPMENT  
VENTURE, L.P.; PACIFIC HOTEL  
MANAGEMENT, LLC; JRR, LLC, d.b.a.  
LYONS RESTAURANT; JASSI DHILLON,  
INC., d.b.a. LYONS RESTAURANT;  
EMERYVILLE HOTEL DEVELOPMENT  
VENTURE II, L.P.; And DOES 1  
THROUGH 10, Inclusive  
Defendants.**

**Case No.: C06-0948 MMC**

**NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE OF ONLY  
DEFENDANT JASSI DHILLON, INC.,  
d.b.a. LYONS RESTAURANT AND  
ORDER THEREON**

**[Fed.R.Civ.P. Rule 41(a)(1)]**

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1 **IT IS HEREBY REQUESTED** by **ROBERT MCCARTHY**, Plaintiff, via his  
2 attorneys of record that, pursuant to Federal Rules of Civil Procedure, Rule 41 (a)(1), this Court  
3 enter a dismissal without prejudice of only Defendant **JASSI DHILLON, INC., d.b.a. LYONS**  
4 **RESTAURANT** from Plaintiff's Complaint, Case No C06-0948 MMC. Plaintiff's action shall  
5 continue against the remaining defendants.

6 **IT IS SO REQUESTED.**

7  
8  
9 Dated: 4/8/06

**PINNOCK & WAKEFIELD, APC**

By: David C. Wakefield

DAVID C. WAKEFIELD, ESQ.

Attorneys for PLAINTIFF

12  
13 **ORDER ON NOTICE OF DISMISSAL WITHOUT PREJUDICE OF ONLY**  
14 **DEFENDANT JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT**

15 **PURSUANT TO THE ABOVE REQUEST, IT IS HEREBY ORDERED** that only  
16 Defendant **JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT** is dismissed without  
17 prejudice from Plaintiffs' Complaint, Case No C06-0948 MMC.

18  
19 **IT IS SO ORDERED.**

20  
21 Dated: April 11, 2006

Maxine M. Chesney  
HONORABLE MAXINE M. CHESNEY  
U.S. DISTRICT COURT JUDGE